

Order

Entered: September 30, 2003

**Michigan Supreme Court
Lansing, Michigan**

ADM File Nos. 2002-50
2003-09

Amendment of Canon 7 of the
Michigan Code of Judicial Conduct

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Canon 7 of the Michigan Code of Judicial Conduct are adopted, to be effective January 1, 2004.

[Additions are indicated below by underlining and
deletions are indicated by strikeover.]

Canon 7 A Judge or a Candidate for Judicial Office Should Refrain from Political
Activity Inappropriate to Judicial Office

A. [Unchanged.]

B. Campaign Conduct:

(1) A candidate, including an incumbent judge, for a judicial office:

(a) - (d) [Unchanged.]

(2) These provisions govern a candidate, including an incumbent judge, for a
judicial office:

(a) A candidate ~~judge~~ should not personally solicit or accept campaign funds, or solicit publicly stated support by improper use of the judicial office in violation of B(1)(c). A candidate ~~judge~~ may send a thank-you note to a contributor.

(b) A candidate ~~judge~~ may establish committees of responsible persons to secure and manage the expenditure of funds for the campaign and to obtain public statements of support for the candidacy.

(c) [Unchanged.]

(d) A candidate's committee may not directly or indirectly accept funds from any committee that was established in connection with the candidate's attempt to secure any other judicial or nonjudicial office. The committee may solicit funds for the campaign no earlier than February 15 of the year of the election, and may not solicit or accept funds after the date of the general election.

(e) - (f) [Unchanged.]

(3) [Unchanged.]

C.-D. [Unchanged.]

Staff Comment: The September 30, 2003, amendment of Canon 7B(2)(a) and (b), effective January 1, 2004, clarified that Canon 7B applies to all candidates for judicial office, not just incumbent judges. (ADM File No. 2003-09).

The amendment of Canon 7B(2)(d) precludes a judicial campaign committee from accepting funds from another committee that was set up for that candidate in connection with an attempt to secure any other judicial or nonjudicial office. Although Canon 7B(2) prohibits judicial campaign committees from raising funds before February 15 of an election year and from soliciting more than \$100 per individual lawyer, these provisions potentially could have been evaded under the previous version of 7B(2)(d). For example, the rule did not expressly preclude the transfer to a judicial campaign committee of funds solicited before February 15 of an election year for a nonjudicial campaign. Nor did it expressly prohibit the transfer of a contribution solicited from an individual lawyer for a nonjudicial campaign to a subsequently established judicial committee for that same candidate. In that situation, the lawyer might have contributed \$500 to the nonjudicial campaign, more than the judicial campaign committee could solicit, and the judicial campaign committee then could solicit a new, direct \$100 contribution from the lawyer. The amendment eliminated these flaws, as well as potential violations of the contribution limits set by the Michigan Campaign Finance Act, MCL 169.201 *et seq.* (ADM File No. 2002-50.)

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 30, 200³

Corbin R. Davis

Clerk